

In the United States District Court
For the Middle District of North Carolina
Greensboro Division



United States of America
Plaintiff(s) / Respondent

v.

Brian David Hill
Defendant(s) / Petitioner

Criminal Action No.
1:13-cr-431-1

Civil Action No.
1:17-cv-01036

**THIRD ADDITIONAL EVIDENCE DECLARATION IN SUPPORT OF
DOCUMENT #128, #128-1, AND 128-2 "BRIEF / MEMORANDUM IN
SUPPORT OF BRIAN DAVID HILL'S "MOTION UNDER 28 USC § 2255
TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN
FEDERAL CUSTODY"" (DOCUMENT #125)**

**DECLARATION, ATTACHED EVIDENCE EXHIBITS IN SUPPORT OF
BRIAN DAVID HILL'S § 2255 MOTION**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am Brian David Hill, also known as Brian D. Hill, and am the Defendant in the Federal criminal case: United States of America v. Brian David Hill, Criminal Case No. 1:13-cr-435-1, in the United States District Court for the Middle District of North Carolina. I am the 2255 motion Petitioner under Civil Action No. 1:17-cv-01036. I write this Declaration with attached Evidence Exhibits proving that criminal Defendant Brian D. Hill had filed an internal affairs complaint with the North Carolina State Bureau of Investigation ("N.C. SBI" or "SBI") regarding possible misconduct or misbehavior of Special Agent ("SA") Rodney V. White ("SA White"). SA White claimed to have been conducting the forensic examination of my Black

Toshiba Laptop Computer, Satellite C655D, from 2012 to 2013, in regards to a criminal investigation into possession of child pornography. This is all true and correct VentaFax (Log Book) stored computer DATA files containing every FAX/FACSIMILE transmission I had done using the software locally on my Desktop computer. Internet is not needed for such program as it operates locally on the computer. It can operate on a computer that is entirely neutered of internet networking capability. Faxing has been my way to communicate with any lawyers, legal organizations, the U.S. Attorney office, U.S. Government offices, State Government offices, U.S. Congress, and any other person of interest which may or may not help me prove my actual innocence to possession of child pornography. All FAX records are backed up at intervals in case the U.S. Attorney attempts to destroy or secretly seize all FAX records which could be a way to cover up the evidence for good in the future. All FAX backups from time-to-time may be copied and delivered to family members and/or friends as further protection against any possible intrusion with any ill intentions such as to cover up any fax records which may happen in the future. I take my evidence very seriously and will not allow the corrupt U.S. Attorney Assistant Anand Prakash Ramaswamy to cover up any more evidence. So I store all FAX records locally and make backups that may be stored in locations that I will not disclose and I plead the Fifth Amendment on to protect my evidence from tampering, destruction, and to prevent further frame ups against me. My protection of my evidence has kept me out of trouble and I plan to keep it that way as I will not let Government-run-thugs and criminals attempt to further ruin my life than what they had already done to me through both Eric David Placke and John Scott Coalter.

2. I am Brian David Hill, also known as Brian D. Hill, and am the Plaintiff in the Federal civil case: Brian David Hill v. Executive Office for United States Attorneys et al., Civil Case No. 4:17-cv-00027, in the U.S. District Court for the Western District of Virginia in Danville. I tie my civil case with my criminal case as interlinked with my 2255 motion as the civil case has over 400+ pages of filing which include newly discovered evidence in 2017 that could not have been discovered before my sentencing. I will also disclose evidence to the Court of what I could have filed but Eric David Placke had refused to present to the Court prior to my final sentencing. I file this Declaration type

of Affidavit with the Court including my original signature as a sign of good faith and demonstrating factual evidence showing good cause for such action. I am INNOCENT of the charge in case: United States of America v. Brian David Hill, Case # 1:13-cr-435-1, and in the U.S. District Court for the Middle District of North Carolina. Since my release from imprisonment, I have been continuously trying to prove my innocence but am being blocked by the Government as well as I have been blocked by John Scott Coalter. My due process was deprived forcing me into taking the guilty plea agreement under false pretenses, being misled by the Federal Public Defender office in Greensboro, North Carolina. I have Autism Spectrum Disorder ("ASD"), Obsessive Compulsive Disorder ("OCD"), Generalized Anxiety Disorder ("GAD"), and I have type 1 brittle diabetes ("diabetes mellitus" or "Type 1 diabetes"). I do not recognize the wrongful diagnosis of "delusional disorder" by Dr. Keith Hersh (See Document #23), since Placke had presented no evidence to prove any of my claims to Dr. Keith Hersh during my psychosexual evaluation in 2014, and I was not given an opportunity to review over my entire discovery evidence (that was acquired by Eric David Placke pertinent to pretrial discovery) prior to my false guilty plea on June 10, 2014. I had finally been able to review over the entire discovery evidence material on January 22, 2015 at John Scott Coalter's ("Mr. Coalter" or "Mr. Coalter's") office. However on that same day (Jan. 22, 2015) I and my family had no tools available at Mr. Coalter's office to play the confession audio CD with my family. Till this day my family had still not been able to review over the confession audio and neither were we given an opportunity to inspect the audio on an audio editing program like Audacity or any other sound wave editor or music editor to determine if the audio was altered to cover up what happened during the interrogation of myself on August 29, 2012.

3. All evidence in the 4 (four) Exhibits are filed without redaction. On November 24, 2017, I had unsealed (from my filing cabinet records) records from my filing cabinet containing 4 faxes between me and the North Carolina State Bureau of Investigation ("N.C. SBI") at their fax number of 919-662-4523. No redaction will be necessary for any Exhibits of this Declaration since there are no home addresses except for the one that was of the Defendant at the time of such faxes. The y were marked CONFIDENTIAL to protect any possible investigation that could have surfaced from

my INTERNAL AFFAIRS (“IA”) complaint and additional faxes to the IA of the N.C. SBI. This was to prevent any IA investigation from being compromised. However more than 2 (two) years have gone by with no action taken from IA of the N.C. SBI as far as I am aware. Even though I was on home detention in 2015, I did check to see if SA White had been fired or reprimanded by calling the SBI office in Greensboro and discovered that SA White had still been employed to work at the N.C. SBI office in Greensboro, North Carolina.

4. So for over two years no action appeared to have been taken by the IA as I am aware of in regards to SA White making statements that are not credible as any kind of forensic expert or are an admission of child porn being planted on my computer while in law enforcement custody. When it had stated that according to the Server.met file, 454 files had been downloaded with the eMule program between July 20, 2012, and July 28, 2013, in SA White’s own SBI case file report concerning criminal suspect Brian David Hill, the laptop seized on August 28, 2012, well it paints a good picture that it can be a blatant admission to setting me up with child porn just as the threatening email from tormail.org had said to me in April, 2012. If it was a mistake by SA White then child porn did not fully download till the police raid and was a very short time span which would support my claim of fighting a “Trojan Horse” type of virus. Like if the year was wrong and it was only up till July 28, 2012, then it had only downloaded for a total of 8 (eight) days, then of course a month goes by before the police raid to which no new activity was reported to have happened. The child porn download date of only 8 (eight) days does not constitute the Detective’s or anybody’s claim that my IP Address could have been attempting to possess such material for collecting child pornography aka theory about child porn collectors, as it was only showing 8 (eight) days and then a month went by before the police raid to which nothing could have happened, theoretically arguing as to if SA White ever makes any such claim of putting the wrong year in his own report. If that was the right year then he has admitted to child pornography being downloaded and possibly shared from my seized Laptop for exactly 11 (eleven) months while in the custody of law enforcement. Then of course there is news articles I had read in 2013 regarding SBI Agent Gerald Thomas that had been caught manufacturing evidence in the murder case of Dr. Kirk Turner and a lawsuit

was also filed from what I had read in those news articles. I have plenty of good reasons and should have at least some grounds to file an INTERNAL AFFAIRS ("IA") complaint against SA White. Transmission Tickets used in this Exhibit which contain the phone number of 276-790-3505 were all produced around the time this Declaration was being drafted and prepared.

5. Attached hereto as Exhibit 1, is a true and correct copy of the 17-page fax transmission from 276-632-2599 at that time (*Defendant's old phone number, the reason it had shown up as Fax ID: 276-790-3505 is because that is the Defendant's current phone number which VentaFax applied the current phone number instead of the original phone number in the Transmission Ticket and Fax Cover Page*) concerning "IA LETTER TO NC-SBI", " -SENSITIVE INFORMATION" and "COMPLAINT FOR THE IA. The FAX letter was dated as being finished around approximately "March 21, 2015 - 09:47 PM". VentaFax reported to have sent the fax transmission around date: 3/21/2015 at the Time: 10:08:10 PM, and that is based on the computer's time clock so it can be authenticated by cross referencing the old telephone record of the provider at the time the fax transmission was sent. The time could be a little off since the Desktop does not use the internet at all and the FAX was locally transmitted via phone line, so it is not synchronized with the Windows time clock server. After the Fax Cover Page, The first 3 (three) pages are of the "COMPLAINT AGAINST SBI SPECIAL AGENT RODNEY V. WHITE OF THE GREENSBORO, NC SBI REGIONAL OFFICE AT 501 INDUSTRIAL AVENUE". Since the SBI have not done anything to punish the possibly criminal misconduct of SA White, confidentiality is waived by the Defendant who originally had faxed the complaint. The Defendant Brian David Hill which is myself consents to waiving confidentiality of this complaint and releases to the Federal Court Clerk to file on the Docket as further evidence that no proper investigation was ever done and caused the wrongful conviction and miscarriage of justice of myself. Since I asserted the document as confidential and labeled it as such as a kind gesture to the N.C. SBI to make sure that they do the right thing, at a later time I feel I have been defrauded by both the SBI and by the U.S. Attorney that had presented a case to make me look guilty and not give me any valid opportunity to prove my innocence under ineffective assistance of trial counsel. It had contained a whistleblower message from

Gingercrack@mail2tor.com which had been received by the cell phone #276-224-0862 which had been registered in the name of Stella and/or Kenneth Forinash (my grandparents) which was originally the Tracfone that was seized by U.S. Probation Officer Kristy L. Burton pursuant to Defendant voluntarily handed over such cell phone after reporting that phone to her. The fax had reported a second tormal style message from a Gingercracker@mail2tor.com also received at the same cell phone number as the first. Third whistleblower message was from a Gingercrackerz@mail2tor.com. All three seem to be concerning a leak of information presumably from within the N.C. SBI office in Greensboro, North Carolina. Last page of the 17th page fax is of a letter from J. Joy Strickland (Counsel to the State Crime Laboratory) dated January 26, 2015. It also contains a Transmission Ticket of the fax record proving that the FAX was successfully transmitted at that time. The original phone number again was 276-632-2599 and not 276-790-3505. It is a little glitch that VentaFax has for that particular version but the whole fax transmission is of the original documents that were faxed to the N.C. SBI headquarters (HQ). I do not wish to modify the Transmission Ticket to show the old number. Hopefully the Court will accept the Transmission Ticket and Fax Cover Page as is, despite the glitch in the original phone number that faxed the information. The total number of pages for this Exhibit is 18 pages total.

6. Attached hereto as Exhibit 2, is a true and correct copy of the 25-page fax transmission from 276-632-2599 at that time (*Defendant's old phone number, the reason it had shown up as Fax ID: 276-790-3505 is because that is the Defendant's current phone number which VentaFax applied the current phone number instead of the original phone number in the Transmission Ticket and Fax Cover Page*) concerning "IA LETTER TO NC-SBI", "-SENSITIVE INFORMATION" and "COMPLAINT FOR THE IA." The FAX letter was dated as being finished around approximately "April 18, 2015 - 11:08 PM". VentaFax reported to have sent the fax transmission around date: 4/18/2015 at the Time: 11:09:03 PM, and that is based on the computer's time clock so it can be authenticated by cross referencing the old telephone record of the provider at the time the fax transmission was sent. The time could be a little off since the Desktop does not use the internet at all and the FAX was locally transmitted via phone line, so it is not

synchronized with the Windows time clock server. The first 3 (three) pages are of the "EVIDENCE IN SUPPORT FOR INTERNAL AFFAIRS COMPLAINT", and "EVIDENCE TO FILE IN SUPPORT OF COMPLAINT AGAINST SBI SPECIAL AGENT RODNEY V. WHITE OF THE GREENSBORO, NC SBI REGIONAL OFFICE AT 501 INDUSTRIAL AVENUE". Since the SBI have not done anything to punish the possibly criminal misconduct of SA White, confidentiality is waived by the Defendant who originally had faxed the complaint. The Defendant Brian David Hill which is myself consents to waiving confidentiality of this complaint and releases to the Federal Court Clerk to file on the Docket as further evidence that no proper investigation was ever done and caused the wrongful conviction and miscarriage of justice of myself. Since I asserted the document as confidential and labeled it as such as a kind gesture to the N.C. SBI to make sure that they do the right thing, at a later time I feel I have been defrauded by both the SBI and by the U.S. Attorney that had presented a case to make me look guilty and not give me any valid opportunity to prove my innocence under ineffective assistance of trial counsel. After the Fax Cover Page, The next page shows the letter from Kanawha Perry (Special Agent in Charge, Special Investigations Unit) of the N.C. SBI dated April 15, 2015. Then a September 29, 2014 letter to the N.C. SBI office in Greensboro. A letter dated June 28, 2014, to the N.C. SBI office in Greensboro and that letter was 4 pages but it showed a duplicate of page 3 of that letter. The next letter dated October 2, 2014 is to the N.C. SBI office in Greensboro, and is 2 pages. The next letter dated October 3, 2014 is to the N.C. SBI office in Greensboro, and is 2 pages. The next letter dated June 24, 2014 is to the N.C. SBI office in Greensboro, was directed to "ATTN: Rodney White, SBI Agent," and is 4 pages. The next letter dated June 24, 2014 is a DEFENDANT'S DECLARATION," and is 2 pages. Then there is 3 (three) transmission tickets of faxes directed to Rodney V. White using the fax number of 336-256-1360, which I knew was the fax number of the North Carolina State Bureau of Investigation office in Greensboro. Then the last 2 (two) are Pages 19 and 20 of the "CASE SUPPLEMENTAL REPORT". It also contains a Transmission Ticket of the fax record proving that the FAX was successfully transmitted at that time. The original phone number again was 276-632-2599 and not 276-790-3505. It is a little glitch that VentaFax has for that particular version but the

whole fax transmission is of the original documents that were faxed to the N.C. SBI headquarters (HQ). I do not wish to modify the Transmission Ticket to show the old number. Hopefully the Court will accept the Transmission Ticket and Fax Cover Page as is despite the glitch in the original phone number that faxed the information. The total number of pages for this Exhibit is 26 pages total.

7. Attached hereto as Exhibit 3, is a true and correct copy of the 2-page fax transmission from 276-632-2599 at that time (*Defendant's old phone number, the reason it had shown up as Fax ID: 276-790-3505 is because that is the Defendant's current phone number which VentaFax applied the current phone number instead of the original phone number in the Transmission Ticket and Fax Cover Page*) concerning "MISSING EVIDENCE PAGE 2/4 FROM DOC#2 AS LISTED", "IA LETTER TO NC-SBI", "-SENSITIVE INFORMATION" and "COMPLAINT FOR THE IA." The FAX letter was dated as being finished around approximately "April 18, 2015 - 11:35 PM". VentaFax reported to have sent the fax transmission around date: 4/18/2015 at the Time: 11:38:40 PM, and that is based on the computer's time clock so it can be authenticated by cross referencing the old telephone record of the provider at the time the fax transmission was sent. The time could be a little off since the Desktop does not use the internet at all and the FAX was locally transmitted via phone line, so it is not synchronized with the Windows time clock server. After the Fax Cover Page, It contains the missing Page 2/4 of the 4-page letter since the last fax showed a repeat of the 3rd page instead of showing the 2nd page of that letter. It also contains a Transmission Ticket of the fax record proving that the FAX was successfully transmitted at that time. The original phone number again was 276-632-2599 and not 276-790-3505. It is a little glitch that VentaFax has for that particular version but the whole fax transmission is of the original documents that were faxed to the N.C. SBI headquarters (HQ). I do not wish to modify the Transmission Ticket to show the old number. Hopefully the Court will accept the Transmission Ticket and Fax Cover Page as is despite the glitch in the original phone number that faxed the information. Since the SBI have not done anything to punish the possibly criminal misconduct of SA White, confidentiality is waived by the Defendant who originally had faxed the complaint. The Defendant Brian David Hill which is myself consents to waiving confidentiality of this complaint and

releases to the Federal Court Clerk to file on the Docket as further evidence that no proper investigation was ever done and caused the wrongful conviction and miscarriage of justice of myself. Since I asserted the document as confidential and labeled it as such as a kind gesture to the N.C. SBI to make sure that they do the right thing, at a later time I feel I have been defrauded by both the SBI and by the U.S. Attorney that had presented a case to make me look guilty and not give me any valid opportunity to prove my innocence under ineffective assistance of trial counsel. The total number of pages for this Exhibit is 3 pages total.

8. Attached hereto as Exhibit 4, is a true and correct copy of the 8-page fax transmission from 276-632-2599 at that time (*Defendant's old phone number, the reason it had shown up as Fax ID: 276-790-3505 is because that is the Defendant's current phone number which VentaFax applied the current phone number instead of the original phone number in the Transmission Ticket and Fax Cover Page*) concerning "ADDITIONAL EVIDENCE", "IA LETTER TO NC-SBI", " -SENSITIVE INFORMATION" and "EVIDENCE FOR THE IA." The FAX letter was dated as being finished around approximately "April 19, 2015 - 10:58 PM". VentaFax reported to have sent the fax transmission around date: 4/19/2015 at the Time: 11:18:08 PM, and that is based on the computer's time clock so it can be authenticated by cross referencing the old telephone record of the provider at the time the fax transmission was sent. The time could be a little off since the Desktop does not use the internet at all and the FAX was locally transmitted via phone line, so it is not synchronized with the Windows time clock server. After the Fax Cover Page, The first 2 (two) pages are of the "EMAIL EVIDENCE IN SUPPORT FOR INTERNAL AFFAIRS COMPLAINT", and "EMAIL EVIDENCE TO FILE IN SUPPORT OF COMPLAINT AGAINST SBI SPECIAL AGENT RODNEY V. WHITE OF THE GREENSBORO, NC SBI REGIONAL OFFICE AT 501 INDUSTRIAL AVENUE". The rest of the pages appear to be email record pages of my emails that were sent in 2013 to J. Joy Strickland prior to being arrested by Special Agent Brian Dexter of the United States Department of Homeland Security in December, 2013. It also contains a Transmission Ticket of the fax record proving that the FAX was successfully transmitted at that time. The original phone number again was 276-632-2599 and not 276-790-3505. It is a little glitch that

VentaFax has for that particular version but the whole fax transmission is of the original documents that were faxed to the N.C. SBI headquarters (HQ). I do not wish to modify the Transmission Ticket to show the old number. Hopefully the Court will accept the Transmission Ticket and Fax Cover Page as is despite the glitch in the original phone number that faxed the information. The total number of pages for this Exhibit is 9 pages total.

I have filed all four Exhibits containing my complaint to the North Carolina State Bureau of Investigation, pertaining to Internal Affairs, in its entirety and ask that the Clerk file this evidence to be available to the general public and to the Habeas Court. This provides yet another fact of actual innocence for the defense of Brian David Hill since it proves to the Habeas Court that I did contact the N.C. SBI to file the Internal Affairs complaint in regards to SA White, the very SBI Agent that had claimed to have conducted the forensic examination of the seized property that was in the custody of Mayodan Police Department prior to Christopher Todd Brim (Wednesday, October 3, 2012 at 1000 hours) requesting the “forensic analysis of all the seized computer files and hard drives.” SA White inventoried the items to be processed and gave him a copy according to Page 19 of the Mayodan Police Report which that page copy was in the Exhibit 2 fax transmission.

So Defendant in this case which is myself, Brian David Hill, submit all successful fax transmissions correspondence between myself and the N.C. SBI directed to Internal Affairs. The Government painted a false character of what I stand for and who I really am. They never truly researched into who I am and the Government never researched any of my claims or they just didn't care about any of it. All they wanted was my guilty plea, and wanted me to accept guilt for the crime that I was framed on.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

November 29, 2017

Respectfully submitted,

Brian D. Hill

Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, VA 24112

Phone #: (276) 790-3505

U.S.W.G.O.

This THIRD DECLARATION respectfully filed with the Court, this the 30th day of November, 2017.

Defendant also requests with the Court that a copy of this THIRD Declaration be served upon the Government as stated in 28 U.S.C. §1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Plaintiff requests that copies be served with the U.S. Attorney office of Greensboro, NC and AUSA Anand Prakash Ramaswamy via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!